86R10699 AJZ-F

By:  Frullo H.B. No. 2613

A BILL TO BE ENTITLED

AN ACT

relating to the offense of operation of a stash house and to the use of proceeds from a civil asset forfeiture of contraband related to that offense and to human smuggling and trafficking offenses to fund certain crime victim services; creating a criminal offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Chapter 20, Penal Code, is amended by adding Section 20.07 to read as follows:

Sec. 20.07.  OPERATION OF STASH HOUSE. (a) A person commits an offense if the person knowingly:

(1)  uses or permits another to use any real estate, building, room, tent, vehicle, boat, or other property owned by the person or under the person's control to commit an offense or to facilitate the commission of an offense under Section 20.05, 20.06, 20A.02, or 20A.03; or

(2)  rents or leases any property to another, intending that the property be used as described by Subdivision (1).

(b)  An offense under this section is a Class A misdemeanor.

SECTION 2.  Article 59.01(2), Code of Criminal Procedure, is amended to read as follows:

(2)  "Contraband" means property of any nature, including real, personal, tangible, or intangible, that is:

(A)  used in the commission of:

(i)  any first or second degree felony under the Penal Code;

(ii)  any felony under Section 15.031(b), [~~20.05, 20.06,~~] 21.11, or 38.04[~~,~~] or Chapter 43, [~~20A,~~] 29, 30, 31, 32, 33, 33A, or 35, Penal Code;

(iii)  any felony under The Securities Act (Article 581-1 et seq., Vernon's Texas Civil Statutes); or

(iv)  any offense under Chapter 49, Penal Code, that is punishable as a felony of the third degree or state jail felony, if the defendant has been previously convicted three times of an offense under that chapter;

(B)  used or intended to be used in the commission of:

(i)  any felony under Chapter 481, Health and Safety Code (Texas Controlled Substances Act);

(ii)  any felony under Chapter 483, Health and Safety Code;

(iii)  a felony under Chapter 151, Finance Code;

(iv)  any felony under Chapter 20A or 34, Penal Code;

(v)  a Class A misdemeanor under Subchapter B, Chapter 365, Health and Safety Code, if the defendant has been previously convicted twice of an offense under that subchapter;

(vi)  any felony under Chapter 32, Human Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that involves the state Medicaid program;

(vii)  a Class B misdemeanor under Chapter 522, Business & Commerce Code;

(viii)  a Class A misdemeanor under Section 306.051, Business & Commerce Code;

(ix)  any offense under Section 42.10, Penal Code;

(x)  any offense under Section 46.06(a)(1) or 46.14, Penal Code;

(xi)  any offense under Chapter 71, Penal Code;

(xii)  any offense under Section 20.05, [~~or~~] 20.06, or 20.07, Penal Code; or

(xiii)  an offense under Section 326.002, Business & Commerce Code;

(C)  the proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x), [~~or~~] (xi), or (xii) of this subdivision, or a crime of violence;

(D)  acquired with proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x), [~~or~~] (xi), or (xii) of this subdivision, or a crime of violence;

(E)  used to facilitate or intended to be used to facilitate the commission of a felony under Section 15.031 or Chapter 43 [~~43.25~~], Penal Code; or

(F)  used to facilitate or intended to be used to facilitate the commission of an offense [~~a felony~~] under Section 20.05, 20.06, or 20.07 [~~20A.02~~] or Chapter 20A [~~43~~], Penal Code.

SECTION 3.  Article 59.06, Code of Criminal Procedure, is amended by adding Subsection (t) to read as follows:

(t)(1)  Notwithstanding any other provision of this article, the gross amount credited to the special fund of the office of the attorney representing the state or of a law enforcement agency under Subsection (c) from the forfeiture of contraband that is described by Article 59.01(2)(B)(xii) or (2)(F) or that consists of proceeds gained from the commission of, or property acquired with proceeds gained from the commission of, an offense under Section 20.05, 20.06, or 20.07 or Chapter 20A, Penal Code, shall be:

(A)  used to provide direct victim services by the victim services division or other similar division of the office of the attorney representing the state or of a law enforcement agency, as applicable; or

(B)  used by the office of the attorney representing the state or of the law enforcement agency to cover the costs of a contract with a local nonprofit organization to provide direct services to crime victims.

(2)  An expenditure of money in the manner required by this subsection is considered to be for an official purpose of the office of the attorney representing the state or for a law enforcement purpose, as applicable.

SECTION 4.  The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 5.  This Act takes effect September 1, 2019.